

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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**IN RE PHARMACEUTICAL  
INDUSTRY AVERAGE  
WHOLESALE PRICE  
LITIGATION**

**THIS DOCUMENT RELATES TO:**

STATE OF NEVADA V. ABBOTT  
LABORATORIES, INC., ET AL., CA  
NO. CV-02-00260-ECR (Nevada I)

STATE OF NEVADA V. AMERICAN  
HOME PRODUCTS, ET AL., CA NO.  
02-CV-12086-PBS (Nevada II)

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MDL NO. 1456  
Civil Action No. 01-12257-PBS  
Judge Patti B. Saris

Chief Magistrate Judge Marianne B. Bowler

**DEFENDANTS' JOINT MOTION FOR LEAVE TO FILE A REPLY TO NEVADA'S  
OPPOSITION TO DEFENDANTS' JOINT MOTION FOR REDRESS FOR  
SPOILIATION OF EVIDENCE**

Pursuant to Local Rule 7.1(B)(3), Defendants respectfully request permission to file the reply brief filed contemporaneously with this motion in further support of their Joint Motion for Redress for Spoliation of Evidence. In support of this motion, Defendants state that they would like an opportunity to address, among other things, Nevada's erroneous characterizations of the facts and legal authority relevant to Defendants' Joint Motion for Redress and arguments set forth in Defendants' memorandum in support of their joint motion. Defendants believe that a reply brief will significantly aid the Court in evaluating the bases for the remedy Defendants seek in their joint motion.

On August 11, 2006, Defendants attempted to confer with Nevada regarding whether it would assent to this motion, but have received no response.

WHEREFORE, Defendants respectfully request that this Court GRANT Defendants' Motion for Leave to File a Reply to Nevada's Opposition to Defendants' Joint Motion for Redress for Spoliation of Evidence.

*Respectfully submitted,*

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*Attorneys for Schering-Plough Corp. &  
Warrick Pharmaceuticals Corp. on behalf  
of the Defendants in Nevada II*

Dated: August 14, 2006

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I hereby certify that on August 11, 2006, counsel for Schering-Plough Corp. and Warrick Pharmaceuticals Corp. attempted to confer with counsel for the Plaintiff State of Nevada in a good faith effort to resolve or narrow the issues raised by Defendants' Joint Motion for Leave to File a Reply to Nevada's Opposition to Defendants' Joint Motion for Redress for Spoliation of Evidence.

/s/ Carisa A. Klemeyer  
Carisa A. Klemeyer

**CERTIFICATE OF SERVICE**

I, Carisa A. Klemeyer, hereby certify that a true copy of the foregoing document was served upon all counsel of record in Nevada I and Nevada II electronically pursuant to Fed. R. Civ. P. 5(b)(2)(D) and CMO No. 2 on this 14th day of August, 2006, by causing a copy to be sent to LexisNexis File & Serve for posting and notification to all counsel of record.

/s/ Carisa A. Klemeyer  
Carisa A. Klemeyer